

ESTTA Tracking number: **ESTTA458811**

Filing date: **02/27/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200450
Party	Plaintiff Box.net, Inc.
Correspondence Address	JAMES L VANA PERKINS COIE LLP 1201 3RD AVENUE, SUITE 4800 SEATTLE, WA 98101-3099 UNITED STATES JVana@perkinscoie.com, pctrademarks@perkinscoie.com
Submission	Opposition/Response to Motion
Filer's Name	James L. Vana
Filer's e-mail	pctrademarks@perkinscoie.com
Signature	/James L. Vana/
Date	02/27/2012
Attachments	Response to Motion to Consolidate.pdf (2 pages)(71423 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Box, Inc.

Opposer,

v.

Dropbox, Inc.,

Applicant.

Opposition No.:91200450

OPPOSER'S RESPONSE TO APPLICANT'S
RENEWED MOTION TO CONSOLIDATE,
AND TO APPLICANT'S MOTION TO
SUSPEND

MOTION TO SUSPEND

Response to Motion to Consolidate

Applicant has renewed its motion to consolidate opposition proceedings No. 91200450 and 91201367, related to Applicant's pending application No. 77817716 (the "Opposed Application"). After reciting the procedural history and posture of those oppositions, Applicant argues that the oppositions involve common questions of fact and law, and that consolidation will result in judicial economy and the avoidance of inconsistent judgments.

However, as Applicant notes, Applicant is also involved in a third opposition, No. 91200444, related to the Opposed Application. That opposition is suspended pending the outcome of federal district court case No. 3:11-cv-1448, currently pending in the Northern District of Texas (the "District Court Action"). As a result, consolidation of oppositions No. 91200450 and 91201367 will do little to further judicial economy or avoid the risk of inconsistent judgments. Opposer therefore opposes Applicant's motion to consolidate these two opposition proceedings.

Motion to Suspend Pending Outcome of District Court Action

More economical would be the suspension of these two proceedings pending the final outcome of the District Court Action, and Opposer hereby moves for such suspension with respect to Opposition No. 91200450.

Response to Motion for Suspension Pending Outcome of Motion to Consolidate

Should the Board deny Opposer's motion for suspension pending the outcome of the District Court Action, Opposer does not oppose Applicant's motion to suspend this opposition pending the outcome of Applicant's Motion to Consolidate.

DATED: February 27, 2012

Respectfully submitted,

PERKINS COIE LLP

CERTIFICATE OF SERVICE

I hereby certify that this OPPOSER'S INITIAL DISCLOSURES is being deposited with the United States Postal Service with sufficient postage as first class mail on February 27, 2012 in an envelope addressed to John L. Slafsky, attorney for Applicant, at Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, CA 94304-1050.

Signature: /James L. Vana/

Printed Name: James L. Vana

By /James L. Vana/

James Vana

Perkins Coie LLP

1201 Third Avenue, 40th Floor
Seattle, Washington 98101-3099

Phone: (206) 359-8000

Fax: (206) 359-9000

Attorney for Opposer